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PATENT

Attorney Docket No. A-72077-5/AMP

Dorsey File No. 470438-92

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LEE et al.

U.S. Serial No.: 10/788,660

Filing Date: February 26, 2004

For: 4,7-Dichlororhodamine Dye Labeled

Polynucleotides

Examiner:

Not yet assigned

Art Unit:

1645

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile transmission to fax # 703 872 9306 on August 30, 2004.

signed_

Abriana

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/08A-B. This application is a continuation of U.S. application Serial No. 09/578,920, filed May 25, 2000, now U.S. Patent No. 6,713,622. Since these references were previously disclosed in the above-mentioned application, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

U.S. Serial No.:

10/788,660

Filing Date:

February 26, 2004

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 470438-92 [A-72077-5/AMP]).

Please direct any calls in connection with this application to the undersigned at (650) 494-8700.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number: 32940

Dated: August 30, 2004

BY:

Ann M. Caviani Pease, Reg. No. 42,067

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Substitute PTO/\$8/06A-B (08-03) U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE.

Complete if Known Substitute for form 1449A/PTO (Modified) Application Number 10/788,660 February 27, 2004 INFORMATION DISCLOSURE Filing Date STATEMENT BY APPLICANT Linda G. LEE First Named Inventor 1645 Art Unit (use as many sheets as necessary) Not yet assigned Examiner Name A-72077-5/AMP (470438-92) Attorney Docket Number **q**f Sheet

U.S. PATENT DOCUMENTS							
Examiner Initials*	Clin No.	U.S. Palent Document Number-Kind Code ² (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columna, Lines, Where Relevant Passages of Relevant Figures Appear		
•	A1	4,318,846	03-09-1982	Khanna et al.			
	A2	4,622,400	11-11-1986	Hammond			
	A3	4,855,225	08-08-1989	Fung et al.			
	A4	4,965,349	10-23-1990	Woo et al.			
	A5	5,188,934	02-23-1993	Menchen et al.			
	A6	5.256,799	10-26-1993	Field et al.	<u> </u>		
	A7	5,283,336	02-01-1994	Field et al.			
	A8	5,366,860	11-22-1994	Bergot et al.			
	A9	5,750,409	05-12-1998	Herrmann et al.			
	A10	5,750,409	05-12-1998	Herman et al.			
	A11	5,770,716	06-23-1998	Khan et al.	<u> </u>		
	A12	5,847,162	12-08-1998	Lee et al.			
	A13	6,017,712	01-25-2000	Lee et al.			
	A14	6,025,505	02-15-2000	Lee et al.			
	A15	6,080,852	06-27-2000	Lee et al.			
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FOREIGN PATENT DOCUMENTS								
Diaminer Initials	Çite No.	Foreign Patent Document Country Code [®] Number ^a Kind Code [®] (if known)	Publication Date MM-DO-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Linits, Where Relevant Passages or Relevant Figures Appear			
-	B1	CH 12433/70	02-15-1973					
	B2	DE 108347	11-1698			}		
	B3	DE 2049503	04-22-1971			┡		
	B4	DE 2049527	04-22-1971			<u> </u>		
	B5	DE 3425631 A1	01-16-1986	BASFAG		<u> </u>		
	B6	DE 45263	11-1887			<u> </u>		
	B7	DE 47451	11-1887			<u> </u>		
	ВВ	EP 0 252 683	07-01-1987			<u> </u>		
	B9	EP 333 649 B1	06-08-1994	Ciba-Gelgy AG	Equiv. of JP 2-3688	$oldsymbol{oldsymbol{\perp}}$		
	B10	GB 1286885	08-23-1972	Fuji Photo				

Examiner	Date Considered	3

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This collection of information is required by 37 CFR 1.97 and 1.99. The information is required to obtain or retain a benefit by the public which is to file (and by the This collection of information is required by 37 CFR 1.97 and 1.99. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete use including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burde

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_ _	Substitute fo	r form 14494	VPTO	Complete if Known			
		(beillipo		Application Number	10/788,660		
INI	FORMATIO	N DISC	CLOSURE	Filing Date	February 27, 2004		
	ATEMENT			First Named Inventor	Linda G. LEE		
				Art Unit	1645	_	
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Examiner Citiq Foreign Patent Document No. Country Code ² Number Kind Code ³ (# Indown)		Publication Date MM-DD-YYYY	Name of Patenties of Applicant of Cited Document	Pages, Columna, Lines, Whert Relevant Passage⇒ or Relevant Figures Appear	T°	
	B11	JP 2-3688	01-09-1990	Ciba-Gelgy		<u> </u>
	B12	WO 91/03476	03-21-1991	Applied Biosystems		<u> </u>
	B13	WO 91/05060	04-18-1991	Applied Blosystems		
	B14	WO 91/07507	05-30-1991	Applled Biosystems		ــــــ
	B15	WO 94/05688	03-17-1994	Applied Biosystems		<u> </u>
	B16	WO 94/06812 A1	03-31-1994	Ameço Corp.		
	B17	WO 97/36960	10-09-1997	Perkin Elmer Corp.		<u> </u>
	B18	WO 97/49769	12-31-1997	Perkin Elmer Corp.		<u> </u>
	B19	WQ 99/27020	06-03-1999	Perkin Elmer Corp.		<u> </u>
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	Substitute for for	m 1449/	VPTO	Complete if Known		
	(Modi	fied)		Application Number	10/788,660	
IN	FORMATION	DISC	CLOSURE	Filing Date	February 27, 2004	
	TATEMENT B			First Named Inventor	Linda G. LEE	
				Art Unit	1645	
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		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the priciol (when appropriate), site of the item (book, magazine, founds), serial, symposium, catalog, etc.), date, page(s), volume-lasue number(s), publisher, city and/or country where published.	T ⁸
	C1	BEILSTEIN, "Handbuch der Organischen Chemie", December 18, 1997, Col. XIX, pp. 348-349.	Ц
	C2	ARDEN et al., "Fluorescence and lasing properties of rhodamine dyes", Journal of Luminescense, 1991, 48 & 49:352-358.	Ц
	СЗ	IOFFE et al., "Studies in the Field of Rhodamine Dyes and Compounds Related to Them", Zhumal Organicheskol Khimii, February 1965, 1(2): 336-339.	Ш
_	C4	VOGEL et al., "Structural Relaxation of Rhodamine Dyes with Different N-Substitution Patterns: A Study of Fluorescence Decay Times and Quantum Yields", Chemical Physics Letters, June 17, 1988, 147(5): 452-460.	Ш
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*Applicant's unique citation designation number (optional). **2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. **3 Enter Office 'Applicant's unique citation designation number (optional). **2 See Kinds Codes of USPTO Patent Documents, the indication of this year of the reign of the Emperor that issued the document, by the two-letter code (WIPO Standard ST.3). ** For Japanese patent documents, the indication of this year of the reign of the Emperor must precede the serial number of the patent document. **6 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.**

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